

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TYRONE ELDRIDGE,)
Petitioner,)
vs.) Civil Action No. 11-1007
BRIAN COLEMAN, Superintendent SCI)
Fayette; PENNSYLVANIA BOARD OF) Magistrate Judge Maureen P. Kelly
PROBATION & PAROLE,)
Respondents.)

ORDER

At the time of the filing of the present Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 (the “Petition”), Tyrone Eldridge (“Petitioner”) was a state prisoner housed in the State Correctional Institution at Fayette (“SCI-Fayette”). By means of this Petition, he apparently seeks to challenge the revocation of his parole as a technical parole violator after he conceded that he failed to abide by conditions of his parole. In addition, Petitioner seeks to challenge the subsequent actions of the Pennsylvania Board of Probation and Parole (the “Board”), in twice denying Petitioner release on re-parole.

On April 16, 2013, the Court issued an Order to Show Cause, directing Petitioner to show cause why this case was not moot as it appeared that Petitioner had been released from custody. Petitioner was given until April 29, 2013 in which to file his response to the Order to Show Cause. The envelope which contained Order to Show Cause was returned to the Clerk’s Office, with a stamp on the envelope indicating Petitioner was no longer there. Obviously, no response from Petitioner will be forthcoming. Given that it appears Petitioner has been released from custody, this case now is moot. DeFoy v. McCullough, 393 F.3d 439 (3d Cir. 2005) (it is a habeas petitioner’s burden to demonstrate that his case is not moot once he has been released from the sentence).

Accordingly, the Petition is hereby DISMISSED as moot. The Clerk is to mark the case closed.

To the extent needed, a certificate of appealability is denied.

Date: May 13, 2013

/s/ Maureen P. Kelly
MAUREEN P. KELLY
UNITED STATES MAGISTRATE JUDGE

cc: TYRONE ELDRIDGE
BN-0260
SCI Chester
500 E. 4th Street
Chester, PA 19013

All counsel of record via CM/ECF